

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL HOA,

No. C-12-2078 EMC

Plaintiff,

v.

**ORDER DENYING PLAINTIFF'S
MOTION FOR RELIEF FROM NON-
DISPOSITIVE PRETRIAL ORDER OF
MAGISTRATE JUDGE**

MATHEW CATE, *et al.*,

Defendants.

(Docket No. 105)

Currently pending before the Court is Plaintiff Paul Hoa's motion for relief from a discovery order issued by Judge Cousins. *See* Docket No. 99 (order). Having considered the motion, as well as all other evidence of record, the Court hereby **DENIES** the motion. *See* Civ. L.R. 72-2 (providing that a motion may be denied without ordering a response).

Under federal law, "[a] non-dispositive order entered by a magistrate [judge] must be deferred to unless it is 'clearly erroneous or contrary to law.'" *Grimes v. City & County of San Francisco*, 951 F.2d 236, 241 (9th Cir. 1991). When a district court reviews a magistrate judge's order, it "may not simply substitute its judgment for that of the [magistrate judge]." *Id.*

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1 Here, Mr. Hoa does not claim that Judge Cousins acted contrary to law; rather, he has argued
2 that Judge Cousins committed clear error. Mr. Hoa, however, has not met this standard. In addition
3 to the reasons articulated by Judge Cousins, the Court also finds a deposition of Mr. Alioto
4 unjustified given the lack of any evidence from which it could be inferred that Mr. Alioto acted with,
5 *e.g.*, deliberate indifference as opposed to mere negligence. *See Starr v. Baca*, 652 F.3d 1202, 1205-
6 06 (9th Cir. 2011).

7 This order disposes of Docket No. 105.

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9 IT IS SO ORDERED.

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11 Dated: September 16, 2013

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14 EDWARD M. CHEN
15 United States District Judge
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